



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

DANIELS DANIELS & VERDONIK, P.A.  
SUITE 200 GENERATION PLAZA  
1822 N.C. HIGHWAY 54 EAST  
DURHAM, NC 27713

**COPY MAILED**

**JUL 16 2004**

**OFFICE OF PETITIONS**

In re Application of	:	
Wagner, et al.	:	
Application No. 10/748,753	:	ON PETITION
Filed: December 30, 2003	:	
Attorney Docket No. 1301-026	:	

This is a decision on the papers styled, "Petition to Accept Drawings 8B and 8C - As Originally Filed on December 30, 2003 - And to Grant Filing Date of December 30, 2003," filed on May 25, 2004, which has been treated as a Petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of December 30, 2003, including Figures 8B and 8C, as described in the specification.

The application was filed on December 30, 2003. However, on May 7, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice To File Missing Parts Of Nonprovisional Application" (Notice) that stated the application had been accorded a filing date, but Figures 8B and 8C, as described in the specification appear to have been omitted.

In response, on May 25, 2004, the instant petition and a two (2) pages of drawings that include Figures 8B and 8C, as described in the specification, were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of twelve (12) sheets of drawings on December 30, 2003.

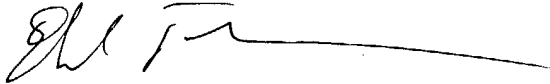
A review of the application file indicates the presence of twelve (12) sheets of drawings filed on December 30, 2003. These sheets include Figures 8B and 8C.

As the omitted Figures filed December 30, 2003 have been found in the application file, the petition is granted.

The \$130.00 petition will be refunded by Treasury Check.

This application will be returned to OIPE for further processing with a filing date of December 30, 2003, including all Figures as described in the specification.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

A handwritten signature in black ink, appearing to read 'EJ Tannouse', with a long horizontal flourish extending to the right.

Edward J. Tannouse  
Petitions Attorney  
Office of Petitions  
United States Patent and Trademark Office

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>7/15/04</u>		2 Serial/Patent # <u>10/742,753</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition	JFW	5/25/04	\$ 130							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
		7 TOTAL AMOUNT OF REFUND		\$ 130							
		8 TO BE REFUNDED BY:									
		<input checked="" type="checkbox"/> Treasury Check									
		<input type="checkbox"/> Credit Deposit A/C #:									
		9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;">--</td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>					--				
		--									
10 REASON:											
	Overpayment										
	Duplicate Payment										
<input checked="" type="checkbox"/>	No Fee Due (Explanation):										
PTD error											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>E-Tannore</u>		TITLE: <u>Pet. Atty.</u>									
SIGNATURE: <u>[Signature]</u>		PHONE: <u>306-9200</u>									
OFFICE: <u>4700</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>[Signature]</u>		DATE: <u>7/16/04</u>									

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*

**Office of Finance  
Refund Branch  
Crystal Park One, Room 802B**